

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**W12a**

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 Hearing item number: W12a

**APPEAL SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING**


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**Application number.....A-3-SLO-01-122, Cambria Pines Lodge Expansion**

**Applicant.....Pacific Cambria Inc., Attn: Dirk Winter**

**Appellants.....Commissioners Wan and Desser; Mrs. Judy Deertrack; Cambria Legal Defense Fund, Attn: Mr. Vern Kalshan**

**Project location.....2905 Burton Drive, Cambria, San Luis Obispo County (APN(s) 023-421-002, 023-425-011, 023-431-002).**

**Project description.....Expansion of the Cambrian Pines Lodge including 35 new guest rooms in 9 buildings totaling 18,800 square feet; a theatre of approximately 6,138 square feet; a retail shop of approximately 1,650 square feet; tennis court; additional parking spaces; access improvements; related grading and comprehensive drainage improvements.**

**Local approval.....The San Luis Obispo County Board of Supervisors approved Minor Use Permit/Coastal Development Permit D980113D (November 6, 2001).**

**File documents.....San Luis Obispo County certified Local Coastal Program; Final Local Action Notice 3-SLO-01-613; Periodic Review of the San Luis Obispo County Certified Local Coastal Program; additional documents, materials, and correspondence provided by applicant and interested parties.**

**Staff recommendation ....Staff recommends a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, then APPROVE the project with conditions.**

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**Summary:** The project involves the expansion of the existing Cambria Pines Lodge, including 35 new guest rooms, a theatre, and a retail shop in the community of Cambria, San Luis Obispo County. The County approved the project subject to 29 conditions, finding it consistent with the San Luis Obispo County Local Coastal Program. The standard of review is the San Luis Obispo County Local Coastal Program.

The appellant's contentions can be grouped into three major areas: 1) the availability of adequate water supplies; 2) the protection of environmentally sensitive habitats; and 3) the protection of coastal watersheds. As required by Public Works Policy 1 of the San Luis Obispo County LCP's *Coastal Plan Policies*, all new development must demonstrate that there is sufficient water supply to serve the



**California Coastal Commission**  
 August 2003 Meeting in Huntington Beach

Staff: J.Bishop Approved by:

development. The appellants also contend that the project is inconsistent with LCP Environmentally Sensitive Habitat Area (ESHA) policies, which require sufficient water supplies to support the biological continuance of ESHA. In addition, proposed modifications to the site's drainage patterns may exacerbate existing erosion and sedimentation problems, adversely affecting coastal watersheds.

Staff recommends that the Commission determine that **a substantial issue** exists with respect to the grounds on which the appeal has been filed. The proposed commercial development is included on the list of so-called Cambria "pipeline" water projects. The Commission has previously recognized the serious water supply situation in Cambria and uncertainty still exists with respect to the environmental sustainability of the community's water supply. Most importantly, the burden of the uncertainty in the existing water supply must not be placed on coastal resources. Given the significant outstanding questions regarding the adequacy of the water supply available to serve existing development, the approval of new development that will increase water demand is inconsistent with Public Works Policy 1. Furthermore, the project is inconsistent with LCP Environmentally Sensitive Habitat Area (ESHA) Policies 1, 2, 5, 18, 21, due to the fact that increased water withdrawals from Santa Rosa and San Simeon Creeks needed to support the development will adversely affect sensitive riparian and wetland habitats supporting rare and important species such as the Steelhead trout, Tidewater Goby, and California Red Legged Frog. Lastly, inconsistent with Watershed Policies 9 and 10, the project will result in adverse impacts to surrounding areas due to the increases in site runoff, resulting in erosion and sedimentation.

To resolve these issues and achieve LCP consistency, staff recommends that the Commission approve the project with special conditions. To ensure that the project does not result in additional water use, the conditions require that a facilities retrofit be accomplished that completely offsets the additional water needed to serve the expansion. In this case, the applicant has agreed to retrofit existing commercial laundry facilities at the Fog Catcher Inn and the Pelican Suites Inn, for water savings in excess of 700,000 gallons per year. This is consistent with the approach taken by the Commission on other "pipeline" water projects in Cambria. Only with this condition is the project consistent with Public Works Policy 1 of the certified LCP.

Furthermore, special conditions require the preparation and implementation of final project plans, and a final drainage and erosion control plan. Specifically, they require relocating development away from sensitive forest habitat areas, and implementation of construction and post construction drainage and erosion controls that will avoid heightened erosion and the discharge of sediments and pollutants to coastal waters. This condition will ensure protection of the watershed and reduce sedimentation into Santa Rosa creek and erosion in other downslope areas. To preserve the surrounding sensitive pine forest habitat, the conditions require that revised final plans be submitted that sites new structures in a manner that avoids unnecessary encroachment into sensitive resource areas. Finally, the conditions require that the landscape plan use only native vegetation appropriate to the site, and be implemented in a manner that prevents the spread of pitch canker and/or exotic invasive vegetation.

**Therefore, as conditioned, Staff recommends approval.**



## Report Contents

page

1. Appeal of San Luis Obispo County Decision .....	4
A. San Luis Obispo County Action.....	4
B. Appeal Procedures .....	4
C. Appellants' Contentions .....	5
2. Procedural History (Post-County Action).....	5
3. Staff Recommendation.....	5
A. Staff Recommendation on Substantial Issue .....	5
B. Staff Recommendation on Coastal Development Permit.....	6
4. Conditions of Approval .....	6
A. Standard Conditions .....	6
B. Special Conditions .....	7
Recommended Findings and Declarations .....	11
5. Project Description.....	11
A. Project Location .....	11
B. County Approved Project.....	11
6. Substantial Issue Findings.....	12
A. Public Services.....	12
B. Environmentally Sensitive Habitats .....	21
C. Coastal Watersheds.....	27
7. Coastal Development Permit Findings.....	29
A. Analysis of Consistency with Applicable Policies.....	30
B. California Environmental Quality Act (CEQA).....	34
8. Exhibits	
Exhibit A: Project Location	
Exhibit B: Project Plans	
Exhibit C: Contentions of Appeal	
Exhibit D: Local Findings and Conditions of Approval	
Exhibit E: Site Photos	
Exhibit F: Other Correspondence	



# 1. Appeal of San Luis Obispo County Decision

## A. San Luis Obispo County Action

On November 6, 2001 the San Luis Obispo County approved the Minor Use/Coastal Development Permit D980113D for 35 guest units, theatre, and retail shop expansion of the Cambria Pines Lodge, subject to 29 conditions. (See Exhibit D for the County's adopted staff report, findings and conditions on the project). The County's approval was by the Board of Supervisors following an appeal of the Planning Commission's original approval. The current Appellants in this matter before the Commission are the same persons who appealed the Planning Commission's decision to the Board of Supervisors. The County also approved a Negative Declaration (of no significant environmental impacts) under the California Environmental Quality Act.

Notice of the Board of Supervisor's action on the coastal development permit (CDP) was received in the Coastal Commission's Central Coast District Office on November 30, 2001. The Coastal Commission's ten-working day appeal period for this action began on December 3, 2001 and concluded at 5pm on December 14, 2001. Three valid appeals (see below) were received during the appeal period.

## B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. Section 23.01.043c(3) of the San Luis Obispo Coastal Zone Land Use Ordinance specifies the sensitive coastal resource areas where development is appealable to the Coastal Commission, which includes environmentally sensitive habitat areas such as the Monterey Pine forest. This project is appealable to the Coastal Commission because it involves development within Sensitive Resource Areas designated by the LCP; specifically, the project proposed development within environmentally sensitive habitats associated with the Monterey Pine forest.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de*



*nov*o hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the nearest public road and the sea and thus, this additional finding need not be made in a *de novo* review in this case.

### C. Appellants' Contentions

For the full text of the appellants' contentions, please refer to Exhibit C.

In summary, the appellants contend that the project is inconsistent with provisions of the San Luis Obispo County certified LCP standards regarding water supplies, environmentally sensitive habitats, as well as with LCP policies protecting coastal watersheds. The appellants, Judy Deertrak, the Cambria Legal Defense Fund, and Commissioners Wan and Desser, have appealed the final action taken by the County Board of Supervisors on the basis that approval of the project is inconsistent with Public Works, ESHA, Hazards, and Coastal Watershed policies of the San Luis Obispo County Local Coastal Program regarding adequacy of water availability, the potential for the project to disrupt environmentally sensitive habitat areas, and impacts to coastal watersheds due to increased erosion and sedimentation.

## 2. Procedural History (Post-County Action)

On November 30, 2001 the Commission's Central Coast District Office received the County's Notice of Final Local Action for local permit D980113D. The Commission's 10-day appeal period started December 3, 2001 and ran through December 14, 2001. On December 14, 2001, three separate appeals were filed based on inconsistencies with the certified SLO County Local coastal Program. Subsequent to the appeals being filed, the Applicant signed a "Waiver of 49 Day Rule for Coastal Development Appeal" on January 7, 2002. The County's administrative record on the application was subsequently received in the Commission's Central Coast District Office on February 1, 2002.

## 3. Staff Recommendation

### A. Staff Recommendation on Substantial Issue

**MOTION:** *I move that the Commission determine that Appeal No. A-3-SLO-01-122 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**



Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

*The Commission hereby finds that Appeal No. A-3-SLO-01-122 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

**B. Staff Recommendation on Coastal Development Permit**

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

**MOTION:** *I move that the Commission approve Coastal Development Permit Number A-3-SLO-01-122 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:** Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:** *The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the provisions of the San Luis Obispo County certified Local Coastal Program. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.*

## 4. Conditions of Approval

### A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on



which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## B. Special Conditions

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Revised Project Plans to the Executive Director for review and approval. The final project plan shall be consistent with the following requirements:
  - (a) **Defensible Space.** The building footprint for unit #'s 34, 35, 37, 38, 39, and associated parking spaces and access paths shall be configured to allow for a "defensible space" (10' setback for parking lots and 30' for buildings) for fire protection that does not require removal of any living Monterey pine or pine forest understory. The defensible space shall be clearly identified on the plans. The plans shall also identify all parameters for maintaining the defensible space, including but not limited to: identification of what types of vegetation must be removed; what types of vegetation can remain; and the specific parameters for any tree limb removal (e.g., when such limbs shall be removed, at what limb height is removal unnecessary, etc.).
  - (b) **Tennis Court.** The proposed tennis court shall be relocated to an area within the interior of the site. For clarity, the interior area of the project site is defined as the area inside of the Lodge's primary vehicle ingress/egress roadway that frames the Main Lodge, main garden, pool area and Fireside cottages.
  - (c) **Site Runoff.** Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff shall be directed offsite in such a manner as to avoid erosion and/or sedimentation.

The Permittee shall undertake development in accordance with the approved Revised Project Plans. Any proposed changes to the approved Revised Project Plans shall be reported to the Executive Director. No changes to the approved Revised Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.



- 2. No Net Increase in Water Use Allowed.** PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit, for Executive Director review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation submitted to the Executive Director shall include:
- a. A detailed assessment of anticipated total water use (including water used for both domestic and landscaping purposes) of the approved development, measured in gallons per year, prepared by a qualified professional, and approved by the Cambria Community Services District. This assessment shall include the specific data and analyses used to estimate water use, including the number of bedrooms/occupants, the number and types of water fixtures and appliances, the type and extent of project landscaping, and the proposed method of landscape irrigation.
  - b. A detailed description of the water saving action(s) that have been taken to offset the amount of water that will be used by the project, and the amount of water savings expected to result from these actions in gallons per year. For retrofits, this shall include a description of the existing and replacement fixtures, their associated water flows, their estimated frequency of use, and the quantity of water savings expected as a result of the retrofits, calculated by a qualified professional. For water savings achieved by reducing landscape irrigation, the applicant shall document the landscaping to be removed, and submit a replacement landscape plan that documents the use of native drought resistant plants and water conserving irrigation techniques, and a quantification of the expected water savings calculated by a landscape professional.
  - c. The specific address/location of where the retrofits and/or landscaping changes identified in the preceding subsection took place and the dates that they were completed, including certification of successful installation by the installers.
  - d. Written verification that the Cambria Community Services District concurs that the completed retrofits and/or landscape changes will result in water savings that meets or exceeds the anticipated water use of the project.
  - e. Either (1) deed restrictions, in a form and content acceptable to the Executive Director, and executed and recorded by the owner(s) of the sites/locations identified pursuant to subsection "c" above, requiring that water conserving fixtures/landscaping installed on the project site, and on the identified non-project sites, will be maintained for the life of the project. The deed restrictions shall indicate that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the project site and of those properties whose use of water must be reduced to offset the projected water requirements of the proposed project. The deed restriction shall include a legal description of the parcels governed or affected by this Special Condition, and shall be run with the land, binding all successors and assigns, and shall be recorded free of all prior liens that the Executive Director determines may affect the enforceability of the restriction. Or, (2) as an alternative to deed





restrictions, evidence that a monitoring system will be administered by the Cambria Community Services District to ensure that the water reduction requirements of this condition will be effectively maintained. Such a monitoring plan in lieu of deed restrictions must include adequate assurances and commitments that the Cambria Community Services District will monitor and regulate water use at the project site and retrofit sites consistent with the terms of this condition.

- 3. Tree Replacement.** PRIOR TO CONSTRUCTION, the Applicant shall also provide evidence that special conditions related to tree planting and revegetation imposed by the County of San Luis Obispo have been implemented in accordance with the local approval D980113D (County Conditions 24, 25, 26, and 27). See Exhibit C for a complete text of these conditions.

Pine trees shall be replaced at a 2:1 ratio. Monterey pine replacement trees shall be one-gallon saplings grown from the Cambrian stand *Pinus radiata macrocarpa*.

- 4. Landscape Material.** No invasive trees or shrubs shall be planted. California Exotic Pest Plant Control lists should be consulted prior to any landscape installations, and no plant classified as an exotic plant shall be installed. Landscape material shall be consistent with the Monterey Pine Forest habitat. Some recommended plants are listed below (not a comprehensive list). Vegetation planted within the driplines of remaining trees should not require irrigation. Rye grass should not be included in any seed mix due to its invasive nature.

#### Scientific Name

#### Common Name

##### **Trees**

*Pinus radiata*

Monterey Pine<sup>1</sup>

*Quercus agrifolia*

Coast Live Oak

##### **Understory Plants**

*Achillea millefolium*

Yarrow

*Arctosaphylos spp.*

Manzanita<sup>2</sup>

*Ceanothus spp.*

Mountain lilac<sup>2</sup>

*Clematis lasiantha*

Virgin's bower

*Heteromeles arbutifolia*

Toyon

*Ribes spp.*

Currants and Gooseberries

*Symphoricarpos mollis*

Snowberry

<sup>1</sup> Use only those seedlings shown to be resistant to pitch canker disease

<sup>2</sup> Only those species found within Cambria should be used

All open areas of the site disturbed by project construction shall be replanted with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) new landscaping shall be prohibited on the entire site.



5. **Drainage, Erosion, and Sedimentation Control.** PRIOR TO ISSUANCE OF THE PERMIT, the Applicant shall submit, for Executive Director review and approval, Drainage, Erosion, and Sediment Control Plans that comply with County Condition of Approvals # 20, 21, 22, and 23 (see Exhibit C for a complete text of these conditions), and that incorporate the following provisions:

**Implementation of Best Management Practices During Construction.** The Drainage and Erosion Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook and the criteria established by the San Luis Obispo County Resource Conservation District. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas; and provide for the hydro seeding of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; any the immediate clean-up of any leaks or spills.

The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the applicant shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

**Post Construction Drainage.** The drainage plan shall identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roofs, parking areas, and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. The capacity of drainage features and BMPs shall be adequate to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. In areas where rocks or other energy dissipation structure may be needed, they shall be located outside of sensitive habitat areas and natural drainage corridors to the maximum extent feasible, and shall be limited in size and footprint to the minimum necessary to achieve effective erosion control.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.



The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 6. County Conditions.** All conditions of San Luis Obispo County's approval of the Project become conditions of this permit. Where there is a conflict between the conditions of the local approval and the terms of this permit, the terms of this permit shall control. All conditions of San Luis Obispo County's approval pursuant to planning authority other than the Coastal Act continue to apply.

## Recommended Findings and Declarations

The Commission finds and declares as follows:

### 5. Project Description

#### A. Project Location

The project is proposed on a 26-acre parcel located at 2905 Burton Drive, on the east side of Highway One, in the Recreation Land Use category of Lodge Hill. Lodge Hill is an extensive residential area located within the Monterey Pine forest terrestrial habitat, west of Highway One. The topography of the area is varied with numerous ridges and gullies, steep slopes, and nearly flat areas near the interior of the parcel. Burton Drive, Martindale Road, and the intersection of Patterson Place and Yorkshire bound the parcel. There is a large swath of undisturbed and contiguous Monterey pine forest surrounding the parcel to the north and east. This area slopes dramatically to Burton Drive and Santa Rosa Creek below.

See exhibit A for location maps.

#### B. County Approved Project

The project involves the expansion of the Cambria Pines Lodge including 35 new guest rooms in 9 buildings totaling 18,800 square feet; a small theater of approximately 6,138 square feet; a retail shop of approximately 1,650 square feet; tennis courts; additional parking spaces; access improvements; related grading and site improvements; comprehensive drainage improvements and limited tree removal. The site plan showing the location of these project components are attached as Exhibit B. See exhibit D for the adopted County staff report, coastal permit findings and conditions approving the Applicant's proposed project.



## 6. Substantial Issue Findings

### 1. Public Services

#### a. Relevant Local Coastal Program Provisions

As required by Public Works Policy 1, all new development must demonstrate that there is sufficient water supply to serve the development:

***Public Works Policy 1: Availability of Service Capacity***

*New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable...*

This policy is implemented by CZLUO 23.04.430:

***CZLUO Section 23.04.430 - Availability of Water Supply and Sewage Disposal Services***

*A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section . . .*

In addition, appellant Judy Deetrack contends that the project is in violation of Public Works Policy 6, requiring County implementation of the Resource Management System:

***Public Works Policy 6: Resource Management System***

*The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall ensure the protection of coastal natural resources including the biological productivity of coastal waters. In the interim, where there are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited services. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Moreover, water supply for new development in Cambria must be considered in light of LCP priorities for Agriculture and Visitor-serving development.

***Coastal Watershed Policy 6: Priority for Agricultural Expansion***

*Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Agriculture Policy 7: Water Supplies***



*Water extractions consistent with habitat protection requirements shall give highest priority to preserving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Recreation & Visitor-Serving Facilities Policy 2: Priority for Visitor-Serving Facilities***

*Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources... [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Finally, The North Coast Area Plan component of the LCP contains a development standard for the Cambria Urban Area that requires:

***Reservation of Service Capacity***

*To allow for continued growth of visitor-serving facilities, 20% of the water and sewer capacity shall be reserved for visitor-serving and commercial uses.*

**b. County Action**

The staff report indicates that water is to be provided by Cambria Community Service District (CCSD), which extracts underflow (shallow groundwater) from both Santa Rosa and San Simeon Creeks. The County made no specific findings with regard to water availability, but rather, states that the CCSD's "Conditional Intent to Provide Water and Sewer Service" dated October 6, 1999, and May 24, 2001 "update and extension letter" are the documents attesting to the District's capabilities. The County accepted this conditional intent-to-serve letter as evidence of adequate water and sewer service capacity to serve the proposed project. The County conditioned its approval to require the applicant to obtain a final will serve letter from the CCSD prior to the issuance of grading or building permits.

**c. Substantial Issue Analysis**

**1. History/Background**

**1977 Coastal Development Permit**

The Coastal Commission has been concerned with the lack of water to support new development in Cambria since the adoption of the Coastal Act. As early as 1977, in a coastal permit to allow the Cambria Community Services District (CCSD) to begin drawing water from San Simeon Creek, the Commission expressed concern about overdrafting this groundwater basin. In that permit, the Commission limited the urban service areas for this new water supply and identified the maximum number of dwelling units that could be served as 3,800<sup>1</sup>. A condition of that 1977 coastal development permit stated that:

*Use of all District wells on Santa Rosa Creek shall be discontinued when water production from San Simeon Creek has been established. Any continued permitted use of the Santa Rosa Creek wells shall be limited to the supplementing of San Simeon Creek well*

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<sup>1</sup> Application 132-18.



*production in years when the 1230 acre feet cannot be safely removed. Except in the emergency situations defined below, the withdrawal of water from Santa Rosa Creek shall not exceed 260 acre feet during the dry season which normally extends from July 1 through November 20 and shall not exceed 147 acre feet per month at any other time. At no time shall the combined withdrawal from San Simeon Creek and Santa Rosa Creek exceed the 1230 acre feet annually. In addition, the following emergency situations shall be permitted: fire or any emergency use authorized by the State Water Resources Control Board or the State Health Department. Until the San Simeon Creek wells are functioning, no new water permits shall be permitted in the District.*

### **LCP Certification**

When the Land Use Plan of the County's LCP was certified in 1984, the concern remained that there was inadequate water to serve existing parcels within Cambria. The findings regarding Cambria stated that based on the land uses and intensities designated in the LUP for subdivided and un-subdivided land, 8,150 dwelling units could be developed; however, it was estimated that the community of Cambria had adequate water and sewage capacities to serve 5,200 dwelling units (in 1984). The findings continue to state:

*Buildout of the existing subdivided parcels alone within the USL [Urban Services Line] would result in a number of dwelling units for which there is inadequate sewer and water capacity. Clearly the community does not have adequate services to supply the LUP proposed development within the USL without severely overcommitting its water supplies and sewage treatment facilities.*

### **1998 North Coast Area Plan**

More recently, the Commission evaluated available water supply for Cambria in its review of the County's North Coast Area Plan update. After evaluating the availability of water in San Simeon and Santa Rosa Creek, the Commission found that existing development (1997) may be overdrafting these creeks, and adversely affecting wetlands and riparian habitats. Thus, the Commission adopted findings and a suggested modification that would require completion of three performance standards prior to January 1, 2001: completion of an instream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. If these standards were not performed by January 1, 2001, the modification required a moratorium on further withdrawals from San Simeon and Santa Rosa Creeks.

Although the County never accepted the modified amendment and this development is therefore not subject to the moratorium provision, the severity of the measures proposed reflects the serious concern of the



Commission with respect to the community's future if development continues to be permitted at its existing rate.

## **2001 Periodic Review**

The Coastal Act requires that every certified LCP be reviewed periodically to determine whether the LCP is being effectively implemented in conformity with the policies of the Coastal Act. On July 12, 2001 the Commission adopted the *Periodic Review of the San Luis Obispo County LCP*. In this report, the Commission made a number of recommendations related to environmentally-sustainable urban development in Cambria. In terms of specific findings, the Preliminary Report highlights the problems of short and long-term growth in Cambria. The report concludes that Cambria has serious concerns related to limited groundwater supply and the protection of sensitive habitat areas with respect to the sustainability of existing and future development in an area with limited water supplies. The Commission adopted the following recommendation in its July, 2001 Periodic Review action:

*Recommendation 2.13. Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSD on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.*

## **CCSD Water Moratorium**

Most recently, the Cambria Community Service District (CCSD) has taken more programmatic steps towards resolving the unsustainable development trends in Cambria. On October 25, 2001 the CCSD Board of Directors considered whether to pursue the declaration of a water shortage emergency. At that meeting, the Board of Directors determined that sufficient evidence existed to consider the declaration of a water shortage emergency based on an inability to accommodate the anticipated growth of the community in the near future. At that same meeting, an additional 38 intent-to-serve letters were approved by the CCSD Board of Directors.

On November 15, 2001 the CCSD Board of Directors declared a water emergency. Part of this action included not allowing any additional intent-to-serve letters to be issued (i.e. anything beyond those that



were issued during the October 25, 2001 meeting). The following list includes additional actions adopted by the CCSD to accompany the declaration of a water emergency:

- Reactivate the retro-fit program as contained in the CCSD Ordinances 1-98, 2-98, and 2-99;
- Investigate additional opportunities to implement water saving measures through the retro-fit program;
- Enforce Ordinance 4-2000 (water waste provision);
- Identify any additional opportunities to improve Ordinance 4-2000;
- Request that the County of San Luis Obispo adopt restrictions on the installation of landscaping within the Cambria CSD to minimize the impact or irrigation on water supplies;
- Develop a plan to ensure the enforcement of all restrictions and regulations regarding water usage in Cambria;
- Pursue the development of water master plan;
- Evaluate the current rate structure and develop changes and improvements.

Through the declaration of a moratorium on new water connections, the CCSD has taken a critical step in curbing short-term development potential in Cambria. Since October 25, 2001 no new intent-to-serve letters have been issued by the CCSD. The moratorium effectively limits new development in Cambria until the uncertainty with respect to water supplies can be resolved. However, the moratorium does not limit those projects declared “in the pipeline” by the CCSD. “Pipeline projects” are defined as projects that have development applications accepted for processing by the County, and are also accompanied by an intent-to-serve letter or some other form of evidence that the CCSD has committed to providing the development with water.

As of August 21, 2002, the CCSD has indicated that there were a number of “intent-to-serve” letters currently outstanding from the CCSD that have yet to complete the County permit process. These outstanding commitments include both residential and commercial development totaling 102 “Equivalent Dwelling Units” (EDU’s), or approximately 9,000 gallons of water per day. The total average current daily water production by the CCSD equals 720,000 gallons of water. According to these CCSD’s figures, the water use attributable to these outstanding intent-to-serve letters represent an approximate 1.25% increase in total water supplies needed to serve these outstanding commitments. There are an additional 45.7 inactive “grandfathered” EDU allocations, 13 single-family active meters in place, but not activated, and 27 connection permits that are being issued for recently processed building permits. Thus, the total increase in water use associated with “pipeline projects” can be estimated to be significantly greater.

## **2. Substantial Issue Analysis**





The Commission has previously recognized the serious water supply situation in Cambria, and raised concern that currently-available water supplies are not sufficient to support existing and future development without harm to sensitive habitats. This issue has been thoroughly discussed in both the North County Update and the Periodic Review of the Implementation of San Luis Obispo County's Local Coastal Program (see History/Background discussion above). These concerns remain outstanding, as reflected by the Commission's most recent findings of substantial issue with respect to new single-family residences in Cambria.<sup>2</sup>

The issue brought forth by the appellant relates to the adequacy of available water supplies to support new development. In terms of this coastal development permit analysis, the available water supply data indicates that the standards of the certified LCP to assure sustainable new development are not being met.

Specifically, Public Works Policy 1 requires that:

*New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development...Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.*

The applicant proposes to expand the existing Cambria Pines Lodge by adding an additional 35 guest units, a theatre, and retail shop, which will place additional demands on Cambria's water supply. The CCSD measures this demand in terms of "equivalent dwelling units" (EDU's); while the CCSD states in a recent letter that the water needed to support the new development has been previously allocated to the Lodge, the project will result in an additional demand of approximately 493,272 gallons of water per year. The Applicant has supplied these figures, and when compared with Plumbing Code water duties appear to be accurate.

A review of the current water supply situation and recent information indicates that in many years, there is inadequate water to sustain existing development in Cambria consistent with the protection of sensitive riparian and wetland habitats. A recent Baseline Water Supply Analysis conducted for the CCSD in December of 2000 has concluded that the District's current water supplies cannot sustain existing levels of development. The report concludes that the District's current water supplies are "marginal to inadequate to provide a 90 percent level of reliability" (in one of ten years there may not be enough water for current customers). Moreover, there are a number of assumptions underlying this study that cast even more doubt on the sustainability of Cambria's current water supply. The most critical of these "assumes that there will be no impact to critical habitat based on normal year precipitation. However, potential

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<sup>2</sup> August 8, 2002 (A-3-SLO-02-050, Monaco); November 7, 2002 (A-3-SLO-02-073, Hudzinski); November 7, 2002 (A-3-SLO-02-07, Pelle); January 8, 2003 (A-3-SLO-02-093, Korpiel).



impact to habitat during multiple year droughts is unknown.” In addition to reducing water availability, sequential drought years have the potential to damage groundwater basin storage capacity. This was evidenced during the 1975-77 drought period when the Santa Rosa Creek groundwater basin was damaged through subsidence.

It is also important to note that the Baseline Water Supply Analysis was based on 3,796 existing connections in December of 1999 (3,586 residential and 210 commercial). As of October 1, 2002, there were 3934 connections (3,729 residential and 205 commercial), an increase of 3.6%. In addition to these new connections, an increase in water demand is anticipated for existing uses and proposed public facilities (e.g. State Park restroom, SLO County Shamel Park restroom, Elementary, Middle and High School, and Camp Ocean Pines, for example). Moreover, there are additional indications that there is potential for increases in visitor-serving water use through existing connections. For example, many of Cambria’s existing residences are seasonally occupied as vacation rentals. A recently proposed LCP amendment<sup>3</sup> allows occupation of a vacation rental by the owner and/or his guests during the same weekly period that managed guests are staying, augmenting existing water usage at that time. It can be argued that heightened water consumption results from higher than average numbers of occupants per rental dwelling and increased use of water intensive facilities (hot tubs, jacuzzis, pools, showers, etc.) at these times. However, there is some indication, though, that there is a trend away from vacation rentals, as more Cambria homeowners take up full time residence. This, too, will mean an increase in actual water withdrawals without any real increase in water connections.

A number of other technical studies have been conducted to better understand the current water supply situation in Cambria. These include a CCSD funded study that examined steelhead habitat trends in San Simeon Creek<sup>4</sup>, a U.S. Geological Survey analysis of Santa Rosa and San Simeon Creek groundwater basins<sup>5</sup>, and an independent analysis submitted by the United Lot Owners of Cambria<sup>6</sup>. One key factor not addressed in any of the studies is the potential impact to sensitive habitats (e.g. steelhead) during multiple drought years. This information is critical in the County and Commission’s responsibilities to protect sensitive coastal habitats. While these studies are important in understanding the complexities of surface and groundwater flows, none of the studies draw firm conclusions about the impact of water withdrawals on sensitive in-stream habitats. In fact, one of the North Coast Area Plan performance standards adopted by the Commission in 1998, but not accepted by the County, was a requirement to conduct in-stream flow studies of both San Simeon and Santa Rosa creeks to assure that continued and future water withdrawals would not adversely impact sensitive riparian habitats. To date, in-stream flow studies have not been completed for both creeks.

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<sup>3</sup> SLO LCPA 1-01 (Residential Vacation Rentals).

<sup>4</sup> Alley, D.W. and Associates, *Comparison of Juvenile Steelhead Production in 1994-99 for San Simeon Creek, San Luis Obispo county, California, With Habitat Analysis and an Index of Adult Returns* (August, 2000).

<sup>5</sup> *Hydrology, Water Quality, Water Budgets, and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Creek Ground-Water Basins, San Luis Obispo County, California*, U.S.G.S., Report 98-4061 (1998).

<sup>6</sup> Navigant Engineering, 11/28/00



The health of coastal creeks in San Luis Obispo is impacted by multiple uses up and downstream. A portion of water withdrawals from the Santa Rosa and San Simeon Creek groundwater basins are outside of the CCSO's control. As mentioned in the USGS technical report, municipal and agricultural pumping are the largest outflows and cause dry-season water-level declines throughout the San Simeon Basin. Therefore, the interplay between multiple users within a finite resource system must be considered in light of all LCP resource protection policies. The LCP requires that water extractions, consistent with habitat protection, give highest priority to preserving available supplies for existing or expanded agricultural uses (Coastal Watershed Policy 6, Agriculture Policy 7, and Recreation and Visitor-Serving Policy 2). As mentioned, the proposed project will require additional water withdrawals for a commercial use. Due to the lack of information on future agricultural needs or current pumping levels, it remains unclear whether Agriculture will be protected and preserved if withdrawals for urban uses continue. Moreover, when the existing municipal pumping needs are combined with the potential for future agricultural needs, it is even more difficult to conclude that groundwater basins and sensitive resources are being protected.

It should be acknowledged, though, that the CCSO has been proactive in its attempts to balance its pumping regimen (balancing the use of the two aquifers) with in-stream water flows and the health of the creek habitat. For example, although the CCSO is allowed to extract 260 acre-feet from the Santa Rosa Basin during the May-October dry season, this year they have only extracted approximately 52 acre-feet. The CCSO is also moving forward with the development of a Water Master Plan to identify strategies for providing a reliable water supply to Cambria. A critical component of the Water Master Plan will be to find alternative sources of water to San Simeon and Santa Rosa Creeks.

Recreation and Visitor-Serving Policy 2 of the LCP requires that 20% of Cambria's water and sewer capacity be reserved for visitor-serving and commercial uses. However, based on the information discussed above, there does not appear to be adequate water capacity to sustain existing development consistent with the protection of coastal resources. In the event that there was available capacity, at least 20% would need to be reserved for visitor-serving and commercial uses. Thus, the allocation of the limited water allegedly available to support this visitor serving commercial development is theoretically consistent with Visitor-Serving Policy 2. However, it is important to note that this excess capacity may not be available as a reserve at this time.

A recent study on fire suppression capabilities found that Cambria is at risk should there be a major fire. These conclusions were based mainly on antiquated piping systems and needs for more storage tanks. The risk is heightened in dry weather conditions when there is limited water supply to fight a wildfire adequately; 2002 has been a dry year. Furthermore, the Chevron MTBE spill continues to threaten the Santa Rosa Creek aquifer, limiting the community's use of wells there. This additional information would lend support to the finding that water supplies in Cambria are less than adequate.

While not explicitly called out in the contentions of the appeal, appellant Judy Deetrack describes in materials submitted to the Commission that the County approved project is inconsistent with Public Works Policy 6. To facilitate implementation of public works policies, the SLO LCP Public Works Policy 6 requires the use of the Resource Management System (RMS). The RMS is an important mechanism for



assuring that coastal resources, particularly groundwater basins and creeks, are not adversely impacted by development.

The RMS uses three levels of alert (called Levels of Severity, or LOS) to identify potential and progressively more immediate resource deficiencies. The alert levels are meant to provide sufficient time for avoiding or correcting a shortage before a crisis develops. Level I is defined as the time when sufficient lead time exists either to expand the capacity of the resource or to decrease the rate at which the resource is being depleted. Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity. Level III occurs when the demand for the resource equals or exceeds its supply.

The Resource Management System reports have consistently identified water supply as a serious concern in Cambria. Recent RMS reports have recommended that the Board of Supervisors adopt LOS III for Cambria's water supply, which would require the County to consider a development moratorium. However, the BOS has not certified the LOS III for Cambria recommended by the County staff. As mentioned, the RMS outlines specific measures that must be implemented for each Level of Service (LOS) if (emphasis added) the Board formally certifies the recommended Level. The RMS program allows, but does not require, the County to reduce or eliminate new development in this situation. As detailed in the Periodic Review of 2001, the RMS system is not providing the proactive management of resources originally envisioned, in large part due to the lack of County management responses to identified resource deficiencies. However, the County has technically satisfied Public Works Policy 6 by merely considering RMS recommendations. Therefore, while the appellant raises important issues about the shortcomings of the RMS system as currently established by the LCP, staff finds that this contention does not raise a substantial issue of project consistency with LCP policies.

#### d. Substantial Issue Conclusion

Overall, a number of the critical information needs previously identified by the Commission still exist with respect to sustainable development in Cambria. These include completion of an in-stream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. Given the uncertainty surrounding sustainable water supplies in Cambria, it is critical that performance standards be completed and a plan of action developed and implemented to address this issue.

Clearly, the ability to provide adequate water to existing and future development in Cambria is a significant unresolved issue. More importantly, the burden of the uncertainty in the water supply must not be placed on coastal resources. Rather, a precautionary approach should be taken until such time as better knowledge is gained about both the capacity of San Simeon and Santa Rosa Creeks, including the needs of instream habitats, and about additional water supplies (e.g. a desalination plant) that might support new development. For example, without completion of instream flow studies and the newly-launched Habitat Conservation Plan to address sensitive species, the capacity of San Simeon Creek to support new development cannot be known. Fundamentally, such a constraints based approach is necessary to meet the



LCP requirement that new development be environmentally-sustainable. It cannot reasonably be concluded at this time that new development in Cambria is currently sustainable.

Therefore, a substantial issue is raised by this contention with respect to water availability.

## 2. Environmentally Sensitive Habitats

### a. Relevant Local Coastal Program Provisions

The appeal asserts that the project is inconsistent with the following LCP Policies for Environmentally Sensitive Habitats:

***Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats***

*New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed in the area [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*

***Policy 2: Permit Requirement***

*As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO].*

***Policy 5: Protection of Environmentally Sensitive Habitats***

*Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO].*

***Policy 18: Coastal Streams and Riparian Vegetation***

*Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174.]*

***Policy 21: County and State Review of Coastal Stream Projects***

*The State Water Resources Control Board and the county shall ensure that the beneficial use of*



*coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alteration) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetlands, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 23.07.174 OF THE CZLUO.]*

Other applicable standards include Policies 1, 2, 3, 6, and 10 for Watersheds:

***Policy 1: Preservation of Groundwater Basin***

*The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Policy 2: Water Extractions***

*Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the database for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for the optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Policy 3: Monitoring Resources***

*In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 8.40.065 OF THE COUNTY CODE (WATER WELL REGULATIONS).]*

***Policy 6: Priority for Agriculture Expansion***

*Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Policy 10: Drainage Provision***

*Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 23.05.034*



*OF THE CZLUO.]*

In addition, the appeal contends that the project does not conform to the following CZLUO ordinances:

***Section 23.07.164 – SRA Permit and Processing Requirements:***

*The land use permit requirements established by Chapters 23.03 (Permit Requirements), and 23.08 (Special Uses), are modified for the SRA combining designation as follows:*

- (a) Initial submittal: The type of land use permit application to be submitted is to be as required by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards. That application will be used as the basis for an environmental determination as set forth in subsection c of this section, and depending on the result of the environmental determination, the applicant may be required to amend the application to a Development Plan application as a condition of further processing of the request (see subsection d).*
- (b) Application content: Land use permit applications for projects within a Sensitive Resource Area shall include a description of measures proposed to protect the resource identified by the Land Use Element (Part II) area plan.*
- (c) Environmental Determination:*
  - (1) When a land use permit application has been accepted for processing as set forth in Section 23.02.022 (Determination of Completeness), it shall be transmitted to the Environmental Coordinator for completion of an environmental determination pursuant to the California Environmental Quality Act (CEQA).*
  - (2) The initial study of the environmental determination is to evaluate the potential effect of the proposed project upon the particular features of the site or vicinity that are identified by the Land Use Element as the reason for the sensitive resource designation.*
  - (3) Following transmittal of an application to the Environmental Coordinator, the Planning Department shall not further process the application until it is:*
    - (i) Returned with a statement by the environmental coordinator that the project is exempt from the provision of the CEQA; or*
    - (ii) Returned to the Planning Department accompanied by a duly issued and effective negative declaration which finds that the proposed project will create no significant effect upon the identified sensitive resource; or*
    - (iii) Returned to the Planning Department accompanied by a final environmental impact report approved by the Environmental Coordinator.*
- (d) Final permit requirement and processing:*



- (1) If an environmental determination results in the issuance of a proposed negative declaration, the land use permit requirement shall remain as established for the initial submittal.*
- (2) If an environmental impact report is required, the project shall be processed and authorized only through Development Plan approval (Section 23.02.034).*
- (e) Required Findings:** *Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:*
  - (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.*
  - (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.*
  - (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.*
  - (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.*

**Section 23.07.170 – Environmentally Sensitive Habitats:**

*The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title, and as mapped by the Land Use Element combining designation maps.*

- (a) Application content:** *A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator that:*
  - (1) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures.*
  - (2) Recommends conditions of approval for the restoration of damaged habitats, where feasible.*
  - (3) Evaluates development proposed adjacent to environmentally sensitive habitats to identify significant negative impacts from noise, sediment and other potential disturbances that may become evident during project review.*





- (4) *Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.*
- (b) **Required findings:** *Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:*
- (1) *There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.*
- (2) *The proposed use will not significantly disrupt the habitat.*
- (c) **Land divisions:** *No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.*
- (d) **Development standards for environmentally sensitive habitats:**
- (1) *New development within or adjacent to the habitat shall not significantly disrupt the resource.*
- (2) *New development within the habitat shall be limited to those uses that are dependent upon the resource.*
- (3) *Where feasible, damaged habitats shall be restored as a condition of development approval.*
- (4) *Development shall be consistent with the biological continuance of the habitat.*
- (5) *Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)*

**Section 23.07.174 – Streams and Riparian Vegetation:**

*Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams..*

**Section 23.07.176 – Terrestrial habitat Protection:**

*The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.*

- (a) **Protection of vegetation.** *Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.*



***(b) Terrestrial habitat development standards:***

***(1) Revegetation.*** *Native plants shall be used where vegetation is removed.*

***(2) Area of disturbance.*** *The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect surrounding native habitat areas.*

***(3) Trails.*** *Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.*

***Section 23.05.064– A tree may be removed only when the tree is any of the following:***

***(4) Obstructing existing or proposed improvements that cannot be reasonably designed to avoid the need for tree removal.***

**b. County Action**

San Luis Obispo County approved the subject development subject to 29 conditions. The County did not evaluate the impacts to wetland and riparian habitats resulting from increased water withdrawals. Instead they relied on the CCSO commitment to serve the project as evidence of sufficient water supplies.

**c. Substantial Issue Analysis**

The appeal contends that heightened water withdrawals needed to serve the project may significantly disrupt environmentally sensitive habitat areas. Inconsistent with ESHA Policies 1, 2, 5, 18 and 21, as well as Coastal Watershed Policies 1, 3, and 6, the amount of water needed to support existing and future development in Cambria may adversely impact sensitive instream, riparian, and wetland habitats supporting rare and important species such as Steelhead trout, Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog.

**Steelhead Streams**

The Cambria Community Services District's water is supplied from wells that extract the underflow of San Simeon and Santa Rosa Creeks. Both creeks are known to support steelhead trout. The California Department of Fish and Game lists these creeks as important steelhead habitats. However, as discussed in the Public Works Findings, and inconsistent with ESHA and Watershed Policies, the anticipated levels of water withdrawal from both urban and agricultural users may deplete surface and groundwater flows needed for healthy steelhead spawning habitat. The amount of water flow needed to support this species can be determined through instream flow studies. The need for these studies was discussed at length in both the 1998 North Coast Update and the 2001 periodic Review. To date, these studies have not been completed.

**Riparian and Wetland Habitat**



The protection of riparian and wetland habitat depends on a reliable and sustainable water supply. San Simeon and Santa Rosa Creeks support rare and important species such as Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. Both of these streams form at least a seasonal lagoon/wetland area in the late spring season. As discussed previously, the heightened levels of water withdrawals needed to serve the “pipeline projects” may deplete surface and groundwater flows. Inconsistent with ESHA and Watershed Policies, new development may reduce the sustainable level and quality of water flowing in these coastal creeks and in turn may have adverse impacts to sensitive riparian and wetland habitat.

#### d. Substantial Issue Conclusion

The appeal raises a substantial issue regarding project conformance to LCP ESHA Policies because the locally approved development has the potential to disrupt sensitive coastal streams, wetland and riparian habitat areas. The additional water withdrawals needed to support the development is incompatible with the health and continuance of these sensitive resources. **Therefore, a substantial issue is raised by the appellants’ contentions with respect to LCP ESHA protection policies.**

### 3. Coastal Watersheds

#### a. Relevant Local Coastal Program Provision

The appeal asserts that the project is inconsistent with the following LCP Policies for Coastal Watersheds:

***Policy 9: Techniques for Minimizing Sedimentation***

*Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development’s design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soils scientists or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]*

***Policy 10: Drainage Provisions***

*Site design shall ensure THAT drainage does not increase erosion. This maybe achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 23.05.034 OF THE CZLUO.]*

In addition to the above referenced policies, the Cambria Legal Defense Fund has included LCP Hazards Policy 2 regarding erosion and geologic stability in discussions surrounding runoff, erosion, and sedimentation. For clarity, this contention is grouped into the discussion of watershed protection. The



policy states:

***Hazards Policy 2: Erosion and Geologic Stability.***

*New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO SECTION 23.07.086*

**b. County Action**

A major part of the County's analysis and preliminary re-design of the project involved the issue of drainage and prevention of erosion. The County staff report states that the Public Works Department, registered civil engineers from RRM DESIGN GROUP, as well as the Upper Salinas Resource Conservation District (RCD) extensively studied a preliminary drainage plan. The staff report also states that the preliminary drainage plan was revised several times and comprehensive drainage improvements were included and required with the conditions of approval.

**c. Substantial Issue Analysis**

To address non-point source pollution from urban development, LCP policies focus on controlling erosion and sedimentation, on managing drainage patterns to reduce erosion and runoff, and on siting development off steeper slopes (Watershed Policies 8, 9, and 10). The County implements these goals by requiring sedimentation or erosion control plans and/or drainage plans (CZLUO Section 23.05.036 and Section 23.05.040). The North Coast Area Plan has additional requirements for development in the Lodge Hill area of Cambria. These include 1) runoff from impervious surfaces must be collected and detained on-site or passed through an erosion control system approved by the county engineer; 2) projects must include permanent erosion control devices; 3) a sedimentation/erosion control plan is required if grading occurs between Oct.15-April 15; 4) construction activities must minimize fill and site disturbance; 5) disturbed soils and stockpiles must be protected from rain and erosion; 6) areas disturbed by construction must be revegetated; 7) development must minimize impervious surfaces to the smallest functional use; and 8) exterior decks shall avoid tree removal, and solid decking is limited to 10% of the permitted footprint, while permeable construction is limited to 30% of the permitted footprint. Hazards Policy 2 is also applicable here, and requires that new development not create or contribute to erosion or geological instability.

The project is located near the top of Lodge Hill. The site consists of 5-primary mini watersheds that drain offsite to the surrounding areas. Because of its overall size (26 acres) and topographical location atop a watershed, the project has a definable impact on lands below, as well as Santa Rosa Creek, a creek of major importance to the area. "Tin City", an area located below the project has flooded recently, and adjacent drainages along Piney Way show clear signs of erosion due to runoff. An increase in impervious surfacing from roofs, parking areas, walkways, and tennis court would increase outflow from the project site to this area, and would worsen the erosion that is now already occurring.

The Upper Salinas-Las Tablas Resource Conservation District (RCD) in previous correspondences has recommended the use of detention basins capable of storing and metering out no more runoff flow than exists at the present time. This recommendation is echoed in the North Coast Area Plan standards for



Lodge Hill. Instead, the Applicant has opted to install a number of engineered systems and cisterns on the property to collect stormwater and use it for onsite irrigation. There is a concern, however, that surface sheetflow may result should the cisterns become filled during peak storm events. Irrespective of which method is best to manage storm flows, the drainage plan and retention structures should be adequately sized to ensure that the development will not increase peak flows in the watershed after storms. Therefore, it will be important for the final drainage plan to show flow paths of storm runoff, the methods for controlling, collecting, and conveying runoff, methods of collecting and treating typical pollutants, and hydraulic design calculations for all collection, storage and conveyance structures.

The Appellant also contends that the project is inconsistent with Hazards Policy 2 that requires new development to ensure structural stability while not creating or contributing to erosion or geological instability. With respect to geological instability, the Applicant has provided a Geologic Hazards Report (Cleath and Associates, 12/17/98) that concludes the expansion of the Lodge can occur with a “low overall risk for geologic hazard impacts.”

#### d. Substantial Issue Conclusion

The appeal raises a substantial issue regarding project conformance to LCP Watershed Policies because the locally approved development has the potential to increase runoff, cause erosion, and increase sedimentation within the watershed. The increase in impervious surfacing from roofs, parking areas, walkways, and tennis courts would exacerbate existing drainage problems and would likely create new ones. While many drainage and control improvements have been made to the overall conceptual drainage plan, it is unclear if size, type, design and location of the various drainage improvements are adequate to handle peak wet weather flows without having adverse impacts to the watershed. Consistent with Coastal Watershed Policy 9 and 10, non-structural erosion techniques including the use of vegetated swales and detention basins should be explored further. Therefore, a substantial issue is raised by the appellants’ contentions with respect to LCP Watershed protection policies.

The County approval requires a suite of geologic hazard mitigations to address the risks of seismic hazards, landslides, and soil creep. The County conditions are incorporated into this permit approval through Special Condition 6. Therefore, a substantial issue is not raised by this appeal contention.

## 7. Coastal Development Permit Findings

By finding a substantial issue in terms of the project’s conformance with the certified LCP, the Commission takes jurisdiction over the CDP for the proposed project. The standard of review for this CDP determination is the County LCP.



## A. Analysis of Consistency with Applicable Policies

The substantial issue findings above are incorporated directly herein by reference.

### 1. Public Services

In terms of this coastal development permit analysis, the cumulative increase in water use associated with pipeline projects, and the significant outstanding concerns regarding the adequacy of water supplies raise issues regarding compliance with LCP Public Works Policy 1, which requires that:

*prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed . . .*

Contrary to this Policy, and as described in detail in the substantial issue findings, it is unclear that there is adequate water available to serve both the proposed development and other outstanding commitments, and at the same time comply with LCP standards protecting ESHA. Accordingly, new development that will place additional demands on Cambria's limited water supplies cannot be approved consistent with the requirements of LCP Public Works Policy 1.

Nonetheless, there is an interim approach for those projects deemed "in the pipeline " that would allow these projects to move forward in the development process without creating additional water withdrawals. The approach involves the direct retrofit of existing facilities, described below. Through the retrofit of existing facilities, the replacement of old plumbing fixtures with lower use modern ones would allow Cambria's finite water supply to be stretched. By doing so, existing water supplies are used more efficiently, resulting in water savings that can be used for the new "pipeline projects." To implement this approach, the conditions of this permit allow the proposed development to be constructed only if its anticipated water use is completely offset through the implementation of verifiable water conserving actions, such as by replacing existing water fixtures with water conserving fixtures, and/or replacing irrigated landscapes with landscaping that requires little to no water.

In this case, the Applicant has agreed to offset the increase of 493,272 gallons per year by installing ozone laundry facilities at the Fog Catcher Inn, a 60 unit motel, and the Pelican Suites Inn, a 27 unit motel, both located on Moonstone Beach Drive and owned by the Applicant. The water savings of the ozone laundry facilities at the Fog Catcher Inn and the Pelican Suites Inn will be in excess of 700,000 gallons per year.<sup>7</sup> The conditions of this permit specify that the water conserving actions required to offset the increase in water demand associated with the pipeline projects must be completed before the coastal development permit is issued. The terms of this condition also call for the CCSD to participate in reviewing the adequacy of the proposed water savings actions, and in ensuring that the necessary water saving actions are effectively implemented and maintained.

In addition to Public Works Policy 1, water supply for new development in Cambria must also be

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<sup>7</sup> The Applicant has submitted an independent analysis of the water use reductions that are possible through the conversion of conventional laundry systems with ozone laundry systems. The report was prepared by Robert Moncrief of H2O Engineering on February 16, 2003.



considered in light of LCP priorities for Agriculture and Visitor-serving development. In this situation, however, it does not appear that these priority use policies are relevant because there is no reserve capacity currently available. Only in the event that there was available capacity (which there is not), at least 20% would need to be reserved for visitor-serving and commercial uses.

#### Public Services Conclusion and Project Modification

By prohibiting a net increase in water use (see Special Condition 2), the project will not result in additional withdrawals and will thereby avoid adverse impacts to coastal resources. Only with this condition can the Commission approve the project consistent with the Public Works policies of the LCP, on the basis that the project will not place any new demands on public water supplies.

## 2. Environmentally Sensitive Habitat Areas

Increased water withdrawals needed to serve the project may significantly disrupt environmentally sensitive habitat areas inconsistent with the protection afforded this resource by the LCP. Inconsistent with ESHA Policies 1, 2, 5, 18 and 21, as well as Coastal Watershed Policies 1 and 2, the amount of water needed to support existing and future development in Cambria may adversely impact sensitive instream, riparian, and wetland habitats supporting rare and important species such as Steelhead trout, Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. In addition, the project is located in the Monterey Pine forest. Terrestrial Habitat protection policies and ordinances (CZLUO 23.07.176) require the protection of the entire ecological forest community rather than individual plant or animal species.

### A. Steelhead Streams

The Cambria Community Services District's water is supplied from wells that extract the underflow of San Simeon and Santa Rosa Creeks. Both creeks are known to support steelhead trout. The California Department of Fish and Game lists these creeks as important steelhead habitats. However, as discussed in the Public Works Substantial Issue Findings, and inconsistent with ESHA and Watershed Policies, the anticipated levels of water withdrawal from both urban and agricultural users may deplete surface and groundwater flows needed for healthy steelhead spawning habitat. The amount of water flow needed to support this species can be determined through instream flow studies. The need for these studies was discussed at length in both the 1998 North Coast Update and the 2001 periodic Review. To date, these studies have not been completed. Although the CCSD annually monitors steelhead populations within the creeks, these monitoring activities have not provided the data and analyses needed to evaluate the impacts that water withdrawals may be having on the biological productivity and continuance of these sensitive habitat areas.

### B. Riparian and Wetland Habitat

The protection of riparian and wetland habitat depends on a reliable and sustainable water supply. San Simeon and Santa Rosa Creeks support rare and important species such as Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. Both of these streams form at least a seasonal lagoon/wetland area in the late spring season. As discussed previously, the heightened levels of water



withdrawals needed to serve the “pipeline projects” may deplete surface and groundwater flows. Inconsistent with ESHA and Watershed Policies, new development may reduce the sustainable level and quality of water flowing in these coastal creeks and in turn may have adverse impacts to sensitive riparian and wetland habitat. Again, the amount of water flow needed to support lagoon habitats and the sensitive species that rely on these habitats needs to be determined through instream flow studies that have yet to be completed.

### C. Monterey Pine Forest

The project is located in the Monterey pine forest Terrestrial Habitat ESHA. Policy 1 for ESHA and CZLUO Section 23.07.170(d) prohibit development from significantly disrupting environmentally sensitive habitats, and CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access without creating significant adverse effects on the identified sensitive resource. In addition, ESHA Policy 27 calls for the preservation of sensitive terrestrial habitats such as the Monterey pine forest by protecting the entire ecological community. The ordinances implementing these policies (CZLUO Section 23.07.176 and NCAP Monterey Pine Preservation SRA Policy) require that new development minimize disruption of the habitat. Policies 28 and 33 for ESHA emphasize the preservation and protection of rare and endangered species of terrestrial plants and animals.

While the project is located in a mapped Sensitive Resource Area (SRA), an important distinction needs to be made with respect to which areas onsite are part of a functioning pine forest habitat. Unlike the large swath of contiguous forest on northern and eastern property boundaries (which is clearly ESHA and could not be developed), the proposed development is located in an area previously disturbed by development and is virtually devoid of any pine trees or forest understory. Adjacent housing and streets limit connectivity with other pine forest stands. Thus, the project site is evaluated as new development adjacent to ESHA.

With the exception of a small triangular shaped stand of pine trees at the very northern extent of the property line, the area proposed for development cannot be characterized as part of a functioning forest habitat area. The location of new units will not directly remove ESH, but development adjacent to ESHA still has the potential to disrupt this resource. The introduction of noise, light, and other human activity associated with this type of visitor-serving development would impact the adjacent pine forest habitat. For example, the location of the proposed tennis court nestled into the forest periphery will have adverse impacts to adjacent ESHA. The location selected for the tennis court would more than likely necessitate additional tree removal, and the ground clearing needed to build the court would remove large amounts of valuable understory and ground cover.

In addition, this development brings with it fire suppression concerns and requirements (such as defensible clear space around the new units), resulting in the possibility of heightened tree removal and ground disturbance. It seems likely that these fire suppression concerns and/or requirements could lead to future removal of indigenous Monterey pine forest at this site. Commercial development within and adjacent to the forest resource presents a conflict with pursuing such management techniques due to concerns for commercial structures.





#### ESHA Conclusion and Project Modification

As previously described in the Public Services finding, the project approval is conditioned to include a special retrofitting condition to offset any additional water demands (Special Condition 2). Only with this condition, can the Commission find the project consistent with LCP Public Works and ESHA protection policies related to groundwater basins, streams, and wetland resources.

In order to maximize protection of the Monterey pine forest habitat, the project must be modified. Because the site is located adjacent to sensitive pine forest habitat, appropriate setbacks, buffer areas, and the siting of new structures must be considered. In sum, to maximize protection of the adjacent Monterey pine forest habitat, Special Condition 1 requires final project plans to include a “defensible space” between new development and the forest, as well as a relocation of the tennis court. This condition also requires that runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. Consistent with the LCP, Special conditions 3 and 4 require that only native non-invasive vegetation be planted onsite. Only with these conditions can the Commission approve the project consistent with the ESHA policies of the LCP, on the basis that the project will not significantly disrupt environmentally sensitive habitats.

### 3. Coastal Watersheds

The proposed site and its associated mini-watersheds are within an area of East Lodge Hill known to have serious runoff, drainage and erosion problems. The stretch of the drainage basin between the site and Santa Rosa Creek is steeply sloping and is comprised with a mix of undeveloped pine forest and urban development. Thus, any change in water quality or flow regimes resulting from new development has the potential to impact surrounding land as well as Santa Rosa Creek.

The new development proposed will require a significant amount of grading to accommodate 9 new buildings, theater, retail areas, parking areas, walkways, and tennis courts. Construction activities have a high potential to cause erosion and sedimentation of the site and surrounding area. Post-construction, lodging facilities such as parking lots will contain pollutants that have the potential to be contained in site runoff and degrade coastal water quality. Finally, the manipulation of the drainage course on site has the potential to alter natural drainage properties and cause the erosion of adjacent lands, which will cause increased sedimentation, adversely impacting water quality.

In 2000 the State adopted new policies for protecting water quality. Specifically, post-construction BMPs (best management practices) should be designed to treat, infiltrate, and filter storm water runoff from each storm event, prior to discharge. Selected BMPs designed to achieve this requirement should be effective at removing or mitigating pollutants such as oil, grease, hydrocarbons, heavy metals, and particulates.

#### Coastal Watersheds Conclusion and Project Modification

Thus, to carry out the requirements of LCP protecting coastal watersheds, it is necessary that the project include standards for development of the site that will effectively address these issues and protect water quality (Special Condition 5). The drainage, sedimentation and erosion control plan required by this condition shall identify the specific type, design, and location of all drainage infrastructure necessary to



ensure that post construction drainage from the project does not result in erosion, sedimentation, or the degradation of coastal water quality. Furthermore, County Conditions of Approval # 20, 21, 22 and 23, incorporated as Special Conditions of this coastal development permit by reference, requires the applicant to submit a drainage, sedimentation, and erosion control plan to address surface flow and provisions for minimizing erosion on the property. As conditioned, the proposed expansion of the Cambria Pines Lodge is consistent with LCP Coastal Watershed Policies.

## **B. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.

